

**REMARKS**

Claims 1-10 are all the claims pending in the application. Claims 1, 3-5, and 7-9 are rejected under 35 U.S.C. § 103(a) as allegedly being unpatentable over Jung (U.S. Patent No. 5,724,953) in view of Sagisaka et al. (U.S. Patent No.: 5,709,198), hereinafter referred to as Sagisaka. Claims 2, 6, and 10 are rejected under 35 U.S.C. § 103(a) as allegedly being unpatentable over Jung and Sagisaka as applied to claims 1 and 5, and further in view of Nakamichi (U.S. Patent No. 5,685,284).

As a preliminary matter, Applicant submits herewith Amended Fig. 4, based on the Examiner's approval of the Request for Approval of Proposed Drawing Corrections submitted on March 13, 2003.

**§ 102(b) Rejections (Jung / Sagisaka) - Claims 1, 3-5, and 7-9**

The Examiner rejects claims 1, 3-5, and 7-9 under § 103(a) for the reasons set forth on pages 2 and 3 of the Office Action. Applicant traverses these rejections at least based on the following reasons.

In the present Office Action, the Examiner states that Jung does not disclose a fault diagnosis that is performed when fuel is not injected, however the Examiner alleges that an operation of monitoring internal resistance, as allegedly taught in Sagisaka, requires "that fuel not be injected during the diagnosis (col. 9, lines 37-40)." In response, Applicant maintains that Jung does not teach or suggest at least "wherein fuel is not injected when the O<sub>2</sub>-sensor is in the inactive state," as recited in independent claim 1 and as argued in the previous Amendment dated March 13, 2003. Also, Applicant submits that Sagisaka does not teach or suggest the above-quoted limitation either. That is, the Examiner never even addresses this particular limitation,

but only alleges that the teachings of Sagisaka require that fuel not be injected during diagnosis. The Examiner's assertion, however, does not demonstrate that the above-quoted limitation is satisfied by Sagisaka. Further, the cited portions of Sagisaka do not relate to an O<sub>2</sub>-sensor being in an inactive state; but only relate to determining whether one of the sensor diagnosis routines has yet to be performed. Therefore, at least based on the foregoing, Applicant submits that independent claim 1 is patentably distinguishable over Jung and Sagisaka. Applicant also submits that independent claim 5 is patentable for reasons similar to those set forth above for independent claim 1, as claim 5 recites similar limitations to those quoted above.

Applicant submits that claims 3, 4, 7, and 8 are patentable at least by virtue of their respective dependencies from independent claims 1 and 5.

§ 103(a) Rejections (Jung / Sagisaka / Nakamichi) - Claims 2, 6, and 10

The Examiner rejects claims 2, 6, and 10 under § 103(a) for the reasons set forth on pages 3 and 4 of the Office Action. In response, Applicant submits that claims 2, 6, and 10 are patentable at least by virtue of their respective dependencies from independent claims 1 and 5. Nakamichi does not make up for the deficiencies of Jung and Sagisaka.

In view of the above, reconsideration and allowance of this application are now believed to be in order, and such actions are hereby solicited. If any points remain in issue which the Examiner feels may be best resolved through a personal or telephone interview, the Examiner is kindly requested to contact the undersigned at the telephone number listed below.

AMENDMENT UNDER 37 C.F.R. § 1.116  
U.S. APPLN. NO.: 09/995,677

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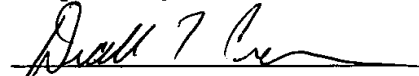
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Respectfully submitted,



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